

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BANK OF NEW YORK MELLON,

Plaintiff,

vs.

SOUTHERN HIGHLANDS COMMUNITY  
ASSOCIATION, et al.,

Defendants.

Case No. 2:15-cv-01711-JCM-CWH

**ORDER**

Presently before the court is Defendant Southern Highlands Community Association's Emergency Motion to Compel Non-Party Alessi & Koenig's Response to Said Defendant's Subpoena to Produce Documents, Inclusive of a Related Request for Fees, Costs, and Sanctions (ECF No. 24), filed on November 25, 2015. Defendant Southern Highlands Community Association (the "Association") moves to compel non-party Alessi & Koenig, LLC to provide its overdue production of documents in response to the Association's subpoena issued under Federal Rule of Civil Procedure 45. The subpoena was personally served on Alessi & Koenig on October 20, 2015. (Emergency Mot. to Compel (ECF No. 24), Ex. B at 4.) The motion to compel was served on Alessi & Koenig via U.S. Mail on November 25, 2015. (*Id.* at 13.)

Having reviewed and considered the motion, and good cause appearing, the court will order non-party Alessi & Koenig to respond to the motion and will hold a hearing on the motion. Although the Association requests emergency consideration of this motion, the court declines to order a shortened briefing schedule given that this motion will be heard before the February 2, 2016 deadline for filing motions for leave to amend the pleadings. After the hearing, the court will entertain any motions or stipulations to extend the discovery plan that counsel deem necessary.

///

1 IT IS THEREFORE ORDERED that non-party Alessi & Koenig must file a response to  
2 Defendant Southern Highlands Community Association's Emergency Motion to Compel Non-Party  
3 Alessi & Koenig's Response to Said Defendant's Subpoena to Produce Documents, Inclusive of a  
4 Related Request for Fees, Costs, and Sanctions (ECF No. 24) on or before December 23, 2015.

5 IT IS FURTHER ORDERED that Defendant Southern Highlands Community Association  
6 may file a reply on or before January 4, 2016.

7 IT IS FURTHER ORDERED that a hearing on Defendant Southern Highlands Community  
8 Association's Emergency Motion to Compel Non-Party Alessi & Koenig's Response to Said  
9 Defendant's Subpoena to Produce Documents, Inclusive of a Related Request for Fees, Costs, and  
10 Sanctions (ECF No. 24) is set for Tuesday, January 12, 2016, at 2:30 p.m. in Las Vegas Courtroom  
11 3C.

12 IT IS FURTHER ORDERED that the Clerk of Court must send a copy of this order via  
13 certified mail to non-party Alessi & Koenig, LLC, at the following address:

14 Alessi & Koenig, LLC  
15 Attn: Chantel M. Schimming, Esq. and Steve Loizzi, Jr., Esq.  
16 9500 W. Flamingo Road, Suite 205  
Las Vegas, Nevada 89147

17 DATED: December 1, 2015.

18  
19   
20 **C.W. Hoffman, Jr.**  
21 **United States Magistrate Judge**  
22  
23  
24  
25  
26  
27  
28